said second polymeric component selected from the group consisting of polyesters and polyamides having a melt-flow rate at least about 85% less than the melt-flow rate of the first thermoplastic polymer.

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**Remarks**

Claims 1 - 9 and 21 are presented for the Examiner's consideration.

Pursuant to 37 C.F.R. § 1.116, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Claim 21 is claim 10 rewritten in independent form, including all of the limitations of claims 1 and 3. Therefore, no new issues or new matters are raised by this amendment.

Claims 1-4, and 6-10 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 5,672,415 to Sawyer et al. This rejection is respectfully **traversed**.

As was pointed out in the response filed January 3, 2003, claim 1 is directed to a thermoplastic polymer fabric comprising a plurality of continuous multicomponent filaments having a denier of less than about 3. The multicomponent filaments comprises a first polymeric component having a melt-flow rate of at least 150g/ 10 minutes and a second polymeric component having a melt-flow rate at least about 65% less than the melt-flow rate of the first polymeric component. Stated another way, the second polymeric component has a melt-flow rate which less than about 35% of the melt-flow rate of the first polymeric component. For example, if the first polymeric component has a melt-flow rate of 150g/ 10 minutes, the melt-flow rate of the second polymeric component must be less than about 52.5g/ 10 minutes. Claim 1 further requires that the second polymer component comprises a majority of the outer surface of the multicomponent filament. Further, claim 2 requires that the second polymeric component have a melt-flow rate at least about 75% less than the melt-flow rate of the first polymeric component and claim 3 requires that the second polymeric component have a melt-flow rate at least about 85% less than the melt-flow rate of the first polymeric component.

In the original statement of the rejection, the Examiner did not address how the limitation of the claims, requiring that the second polymeric component have a melt-flow rate at least about 65% (claim 1), 75% (claim 2) or 85% (claim 3) less than the melt-flow rate of the first polymeric component is taught by Sawyer et al. The Examiner merely states that the melt-flow rates taught by Sawyer et al. are within Applicants claimed ranges, pointing to col. 3, lines 35-45 of Sawyer et al.

In the Final Rejection, the Examiner states that Sawyer et al. teaches a first polymer comprising polypropylene having a melt flow rate of 800 g/10 min. and a second polymer having a melt flow rate of 60 g/10min. However, in order to arrive at this, the Examiner must pick and choose from the teaching of Sawyer et al. It is well established in U.S. Patent Law, that when a prior art reference teaches a range within, overlapping or touching the claimed range, the prior art only anticipates the claimed range if the claimed range is disclosed by the reference with "sufficient specificity". See MPEP 2131.03. Also see *Ex Parte Lee,* 31 USPQ 2d 1105 (Bd. of Appeals (1993). The Examiner has never addressed the question of "sufficient specificity" of the Sawyer reference and merely states that the Applicant's claimed melt flow ratio of the first polymer component to the second polymer component is within the ranges of melt flow rates taught in Sawyer.

In the present application there are numerous melt flow rates for each polymer which fall outside the claimed ratio; however, there are a few that fall within the claimed ratio. Applicants' submit that one skilled in the art would not immediately envisage the claimed melt flow rate ratios from the disclosure of Sawyer, especially since the preferred melt flow rates for the polypropylene and the polyethylene polymer in Sawyer are not within the Applicants' claims. This is especially true for the limitations of claim 8, which requires the first polymer to have a melt flow rate greater than 200 g/10 min. and the second polymer to have a melt flow rate less than about 50 g/10 min.

Further, it has been held that one may only look to the preferred embodiment of a prior art reference to determine if the reference anticipates a claim. In *re Petering,* 133 USPQ 275 (CCPA 1962). It has also been held that a reference anticipates a claim if there is a limited disclosure to species. Further it has been held that a reference disclosing a large number of species cannot anticipate a claim to a specific species. See Akzo N.V. International Trade Commission, 1 USPQ 2d 1241 (Fed. Cir. 1986).

As can be seen above, a large general disclosure cannot anticipate a claim to a specific embodiment. In the present application, while the generic ranges for the melt flow rule for the polypropylene polymer and the polyethylene polymer may overlap the applicants' claims, in some aspects of the claimed ratio, the broad disclosure does not direct one skilled in the art to select melt flow rates for one polymer to be at least 150 g/10 min. and select a second polymer have a melt flow rate which is at least 65% less than the first polymer. In order for one skilled in the art to arrive at the claimed invention, one would have to first select the first polymer to have a melt flow rate of at least 150 g/10 min., after making the selection of the first polymer, one skilled in the art would have to select the second polymer such that the melt flow rate is 65% less than the melt flow rate of the first polymer. Clearly, there is no disclosure in Sawyer which directs one skilled in the art to make such a selection.

Therefore, Sawyer does not disclose the claimed invention with sufficient specificity to constitute an anticipation of the present claims.

Another limitation of the present claims not specifically disclosed by Sawyer is the limitation that the second polymer comprise the majority of the outer surface of the multicomponent filament. The Examiner has never addressed how this limitation is met by Sawyer.

With respect to claim 8, the Examiner finds that the claim is anticipated in two ways. The Examiner states that the second polymer could be polypropylene and the first polymer can be polyethylene, finding that the polypropylene of Sawyer has a melt flow rate between about 50 and 800 g/10 min. and the polyethylene has a melt flow rate of about 400 g/10 min. In response, Applicants' point out that claim 8 requires that the melt flow rate of the second polymer is less than about 50 and the polypropylene of Sawyer has a melt flow rate of 50 or more. There is not an overlap and the teachings of Sawyer direct one skilled in the art to select the melt flow rate of the polypropylene to be greater than 50 g/10 min., not less than 50 g/10 min.

Second, the Examiner finds that if the second polymer of Sawyer is a polyethylene, the claim limitation "between about 60 and about 400 g/10 min" anticipates 49 g/10 min. The Examiner finds that Sawyer anticipates the claimed range of "less than about 50 g/10 min.". The Examiner seems to be reading a lot into Sawyer to arrive at this interpretation. Using the logic of the Examiner, a reference teaches any range if the term about is used to describe the limits of the range. Clearly, Sawyer does not want the polyethylene polymer to have a melt flow rate below about 60 g/10 min. Therefore, claim 8 is clearly not anticipated by Sawyer et al.

Finally, newly added claim 21 requires that the second polymer is a polyester or a polyamide, having a melt flow rate which is at least 75% less than the melt flow rate of the first polymer. Further, the polyester or polyamide must make up a majority of the surface of the multicomponent filament. The melt flow rate of the polyester and polyamide are not disclosed by Sawyer, therefore the limitations of claim 21 cannot be derived from Sawyer even if one skilled in the art carefully picked and chose from the teachings of the reference. Finally, picking and choosing from the teachings of a reference does not constitution anticipation.

For the foregoing reasons, Sawyer does not anticipate claims 1-4, 6-9 and 21. Therefore, the rejection is untenable and should be withdrawn.

Claims 1-4, and 6-10 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 6,420,285 to Newkirk et al. This rejection is respectfully traversed.

As is pointed out above, the present claims are directed to a thermoplastic polymer fabric comprising a plurality of continuous multicomponent filaments having a denier of less than about 3 which are prepared form multicomponent filaments comprising a first polymeric component having a melt-flow rate of at least 150g/ 10 minutes and a second polymeric component having a melt-flow rate at least about 65% less than the melt-flow rate of the first polymeric component and the second component must make-up a majority of the surface of the multicomponent filament. Newkirk et al. fails to teach at least two of these limitations of the present claims.

First, Newkirk et al. suggest that the maximum melt-flow rate or melt-flow index of the polymers used to prepare the multicomponent polymers should be less than 150 g/ 10 min. See column 12, line 11-14. Second, nothing in Newkirk et al. directs one skilled in the art to select the melt-flow rate a second polymer to be at least about 65% (claim 1), 75% (claim 2) or 85% (claim 3) less than the melt-flow rate of the first polymeric component, with the first polymer component having a melt-flow rate greater than 150 g/ 10 min. The polymers used in the Examples of Newkirk et al. do not meet this limitation and the Examiner has not addressed how these limitations are met by Newkirk et al. Nothing in Newkirk teaches that the polymer with the lower melt flow rate must make-up a majority of the surface area of the multicomponent filament. Further, the Examiner has not addressed here the limitations of claim 8 are met by Newkirk.

In order for a reference to anticipate a claim, all of the limitations of the claim must be taught by the reference relied upon. Given that there is not a disclosure in Newkirk et al. which teaches that a second polymer must have a melt-flow rate which is 65%, 75% or 85% less than a first polymer making up the multicomponent filaments and/or that the first polymer has a melt-flow rate greater than 150 g/min., Newkirk et al. fail to anticipate claims 1-4, 6-9 and 21. Therefore, this rejection is untenable and should be withdrawn.

Claim 5 was rejected under 35 USC § 103 as being obvious over U.S. Patent 5,672,415 to Sawyer et al. in view of U.S. Pat. No. 5,935,883 to Pike and U.S. Pat. No. 5,759,926 to Pike et al. This rejection is respectfully **traversed**.

The Examiner relies upon Pike '883 and Pike '926 to teach that it is know in the art to prepare multicomponent filaments having a striped cross-section. While Applicants do not deny the that multicomponent filaments with a striped cross-section are known in the art, Pike '883 and Pike '926 fail to remedy the deficiencies of Sawyer noted above. Specifically, the Pike references do not teach the claim limitations requiring that the second polymeric component has a melt-flow rate at least about 65% (claim 1), 75% (claim 2) or 85% (claim 3) less than the melt-flow rate of the first polymeric component.

In order for a combination of references to render a claim obvious, within the meaning of 35 USC § 103, the invention "as a whole", including all the limitation of the claims, must be taught or suggest by the combination of references. Since the combination of references does not teach the limitations of the claims requiring that the second polymeric component has a melt-flow rate at least about 65% (claim 1), 75% (claim 2) or 85% (claim 3) less than the melt-flow rate of the first polymeric component, the combination of the Pike references with Sawyer et al. fails to render claim 5 obvious.

Claim 5 was also rejected under 35 USC § 103 as being obvious over U.S. Patent 6,420,285 to Newkirk et al. in view of U.S. Pat. No. 5,935,883 to Pike and U.S. Pat. No. 5,759,926 to Pike et al. This rejection is respectfully **traversed.**

The Examiner relies upon Pike '883 and Pike '926 to teach that it is know in the art to prepare multicomponent filaments having a striped cross-section. Pike '883 and Pike '926 fail to remedy the deficiencies of Newkirk et al. noted above. Specifically, the Pike references do not teach the claim limitations requiring that the second polymeric component has a melt-flow rate at least about 65% (claim 1), 75% (claim 2) or 85% (claim 3) less than the melt-flow rate of the first polymeric component and that the first polymeric component has a melt-flow rate of at least 150 g/min.

In order for a combination of references to render a claim obvious, the invention "as a whole", including all the limitation of the claims, must be taught or suggest by the combination of references. Since the combination of references does not teach the limitations of the claims requiring that the second polymeric component has a melt-flow rate at least about 65% (claim 1), 75% (claim 2) or 85% (claim 3) less than the melt-flow rate of the first polymeric component and that the first polymeric component has a melt-flow rate of at least 150 g/min, the combination of the Pike references with Newkirk et al. fails to render claim 5 obvious, within the meaning of 35 USC§ 103.

The Examiner's rejections are based on impressible hindsight. That is, in order to arrive at the claims of the present application, one skilled in the art must pick and choose from the teachings of the reference. One skilled in the art would only pick and choose from the references after having benefit of reading the Applicants' present claims and specification.

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Please charge any prosecutional fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 770-587-7204.

Respectfully submitted,

Darryl F. Clark ET AL.

By: _____

Ralph H. Dean, Jr.
Registration No.: 41,550

CERTIFICATE OF MAILING

I, Rosemarie Enright, hereby certify that on May 12, 2003 this document is being transmitted via facsimile (703-872-9311) addressed to Christopher C. Pratt, Examiner, Art Unit 1771.

By: _____

Rosemarie Enright